



RESPONSE UNDER 35 U.S.C. § 1.116
U.S. Application No. 10/654,971

Q77316

REMARKS

Claims 1-10 are rejected, and claims 11-22 are withdrawn from consideration as being directed to a non-elected invention.

Review and reconsideration on the merits are requested.

Claims 1-7 stand rejected under 35 U.S.C. § 102(a) as being anticipated by EP 1 072 905 A1 to Koike et al. for reasons of record. Claims 1-10 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,869,693 to Fryd et al. in view of Koike et al.

Applicants traverse, and respectfully request the Examiner to reconsider for the following reasons.

The composition of present claim 1 comprises (i) a fluorine-containing prepolymer, and (ii) a compound containing a rare-earth metal ion and/or a rare-earth metal element. The fluorine-containing prepolymer (1) is a non-crystalline polymer having a fluorine content of not less than 25 % by weight, and the fluorine-containing prepolymer (1) has a cure site in a side chain of the polymer and/or at an end of a trunk chain of the polymer.

In response to the rejection under 35 U.S.C. § 102(a), Koike et al. relates to a refractive index distribution type light transmitting device (e.g., an optical fiber), but has no disclosure of a fluorine-containing polymer having a cure site. Koike et al. describes non-crystalline fluorine-containing polymers from [0016] to [0017]. However, there is no description of a curable polymer therein.

Thus, Koike et al. fails to disclose a composition containing a fluorine-containing prepolymer which is a non-crystalline polymer and which has a cure site in a side chain of the

polymer and/or at an end of a trunk chain of the polymer and therefore does not anticipate the present claims.

Applicants position is fully substantiated with the Examples of Koike et al., where an optical fiber was prepared by a melt-spinning method. See [0045], a portion of which is reproduced below.

The preform rod was slowly inserted at a constant speed from an upper portion of a cylindrical heating furnace maintained at 195°C, and an optical fiber having a diameter of 0.6 mm and a length of 50 m was spun from a lower portion.

As well known to those of ordinary skill in this field of art, a thermosetting (i.e., curable) polymer cannot be used for a melt-spinning method. Therefore, it is apparent that Koike et al. does not disclose a curable fluorine-containing polymer, does not anticipate claims 1-7, and withdrawal of the foregoing rejection under § 102(a) over Koike et al. is respectfully requested.

In response to the rejection under § 103(a), as explained above, Koike et al. does not disclose, teach or otherwise suggest a curable, non-crystalline fluorine-containing polymer. Thus, there is nothing which would lead one of ordinary skill to combine Fryd et al. and Koike et al., and the resulting combination also would not achieve the present invention.

For the above reasons, it is respectfully submitted that claims 1-10 are patentable over Fryd et al. in view of Koike et al., and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

This application is subject to restriction. If elected species (6) is found to be patentable, Applicants respectfully request examination of generic claim 1. If claim 1 is found to be

patentable, then Applicants respectfully request the Examiner to withdraw the Election of Species requirement with respect to dependent claims 11-17.

Withdrawn claims 18-22 are drawn to an optical amplifying device or a light-emitting device made of the fluorinated resin composition of claim 1. Therefore, should claim 1 be found to be allowable, Applicants respectfully request the Examiner to withdraw the restriction requirement and to also allow claims 18-22 containing the same patentable features as claim 1.

Withdrawal of all rejections and allowance of claims 1-22 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: August 23, 2006